

REMARKS

In the final Office Action, the Examiner maintained the previous restriction requirement; rejected claims 1, 6, 22, 29 and 68 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement; rejected claims 1, 6, 16-19, 22, 27-31, 34, 35, 67, and 68 under 35 U.S.C. § 103(a) as unpatentable over Aldous et al. (U.S. Patent No. 6,654,722) in view of Subramaniam et al. (U.S. Patent No. 6,070,187); and rejected claims 2-5, 7, and 8 under 35 U.S.C. § 103(a) as unpatentable over Aldous et al. in view of Subramaniam et al. and Brown et al. (U.S. Patent No. 6,604,075). The Examiner objected to claims 20, 21, 25, 26, 32, and 33 as dependent upon a rejected base claim that would be allowed if rewritten in independent form to include the features of the base claim and any intervening claim. The Examiner allowed claims 36-41.

Applicants appreciate the Examiner's identification of allowable subject matter, but respectfully traverse the Examiner's restriction requirement and rejections under 35 U.S.C. §§ 112 and 103. Claims 1-8, 16-22, and 25-68 remain pending, of which claims 42-66 have been withdrawn from consideration by the Examiner.

RESTRICTION BY ORIGINAL PRESENTATION

In paragraphs 3, 5, and 6 of the final Office Action, the Examiner required election, under 35 U.S.C. §121, of one of the following inventions: Group I including pending claims 1-8, 16-22, and 25-41 allegedly drawn to combined circuit switching and packet switching, and allegedly classified in class 370, subclass 352; and Group II including claims 42-66 allegedly drawn to a bridge or gateway between networks, and allegedly classified class 370, subclass 401. The Examiner alleged that claims 42-66 are

directed to an invention that is independent or distinct from the invention originally claimed (final Office Action, paragraph 6). Applicants respectfully submit that the Examiner's restriction by original presentation is defective.

For example, the Examiner alleged that the claims of Group I are directed to:

Subject matter wherein the switching network has both (a) a switch which establishes a path between a source and destination with the path being held for the duration of the communication, and (b) a switch which routes information based on an address associated with the information data in a channel which is only occupied for a duration of the time required to transmit the information data and the associated address.

(final Office Action, paragraph 5). Applicants submit that none of the claims of Group I includes features related to a switching network that has both (a) a switch which establishes a path between a source and destination with the path being held for the duration of the communication, and (b) a switch which routes information based on an address associated with the information data in a channel which is only occupied for a duration of the time required to transmit the information data and the associated address, as alleged by the Examiner. Therefore, the Examiner's allegation lacks merit.

The Examiner attempted to clarify these allegations regarding the claims of Group I by providing several other allegations, none of which are directed to the claims (final Office Action, paragraph 3). Applicants remind the Examiner that 35 U.S.C. § 121 states, in part:

If two or more independent inventions are claimed in one application, the Director may require the application to be restricted to one of the inventions.

The Examiner's allegations are not directed to any features recited in the claims, but instead are directed to general allegations about how the Examiner believes a telephone

network operates. Applicants submit that such allegations do not address the above-identified deficiencies and are insufficient to establish a proper restriction.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the restriction requirement, and consideration of claims 42-66.

REJECTION UNDER 35 U.S.C. § 112, FIRST PARAGRAPH

In paragraph 4 of the final Office Action, the Examiner rejected claims 1, 6, 22, 29, and 68 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Applicants respectfully traverse the rejection.

With regard to claims 1 and 68, the Examiner alleged that the feature of "wherein the call is transmitted as a data stream of uncompressed data from the gateway to the network server" is unsupported by Applicants' specification. Applicants respectfully disagree. This feature is fully supported by the original specification at, for example, page 14, lines 14-21. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1 and 68 under 35 U.S.C. § 112, first paragraph.

With regard to claims 6 and 29, the Examiner alleged that the feature of "located in close physical proximity to the PSTN-to-IP gateway" is unsupported by Applicants' specification. Applicants respectfully disagree. This feature is fully supported by the original specification at, for example, page 4, line 22 - page 5, line 1, page 14, lines 14-21, and page 15, lines 17-19. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 6 and 29 under 35 U.S.C. § 112, first paragraph.

With regard to claim 22, the Examiner alleged that the feature of "to allow or disallow the calls based on a telephone number associated with the calls" is unsupported

by Applicants' specification. Applicants respectfully disagree. This feature is fully supported by the original specification at, for example, page 16, line 22 - page 17, line 7. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 22 under 35 U.S.C. § 112, first paragraph.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1, 6, 22, 29, and 68 under 35 U.S.C. § 112, first paragraph.

*REJECTION UNDER 35 U.S.C. § 103 BASED ON
ALDOUS ET AL. AND SUBRAMANIAM ET AL.*

In paragraph 9 of the final Office Action, the Examiner rejected pending claims 1, 6, 16-19, 22, 27-31, 34, and 35 under 35 U.S.C. § 103(a) as allegedly unpatentable over Aldous et al. in view of Subramaniam et al. Applicants respectfully traverse the rejection.

Independent claim 1, for example, is directed to a voice response system for servicing a call received over a public switched telephone network (PSTN). The voice response system comprises a PSTN-to-IP gateway for connecting between the public switched telephone network and an IP network medium; and a network server in communication with the IP network medium for automated interaction with a user participating in the call; where the call is transmitted as a data stream of uncompressed data from the gateway to the network server.

Neither Aldous et al. nor Subramaniam et al., whether taken alone or in any reasonable combination, discloses or suggests the combination of features recited in claim 1. For example, Aldous et al. and Subramaniam et al. do not disclose or suggest a call that is transmitted as a data stream of uncompressed data from a gateway to a

network server. Instead, Aldous et al. specifically discloses a VoIP telephony gateway server that receives audio signals, digitizes the audio signals into digitized audio data, compresses the digitized audio data into VoIP-compliant packets, and transmits the VoIP-compliant packets to at least one speech server through the VoIP communications path using the VoIP protocol (col. 2, lines 46-52). Subramaniam et al. does not disclose or suggest a call and, therefore, cannot disclose or suggest a call that is transmitted as a data stream of uncompressed data from a gateway to a network server, as required by claim 1.

The Examiner did not address this feature of claim 1 and, therefore, did not establish a prima facie case of obviousness with regard to claim 1.

For at least these reasons, Applicants submit that claim 1 is patentable over Aldous et al. and Subramaniam et al., whether taken alone or in any reasonable combination. Claims 16-19 depend from claim 1 and are, therefore, patentable over Aldous et al. and Subramaniam et al. for at least the reasons given with regard to claim 1.

Independent claim 6 is directed to a voice response system for servicing a plurality of calls received over a public switched telephone network (PSTN). The system comprises a PSTN-to-IP gateway for connecting to the PSTN and an IP network medium; a plurality of network servers, in communication with the IP network medium and located in close physical proximity to the PSTN-to-IP gateway, for automated interaction with a set of users participating in the plurality of calls; and a proxy server in communication with the PSTN-to-IP gateway for load balancing the plurality of calls and providing differentiated and targeted service control for the plurality of calls amongst the plurality of network servers.

Neither Aldous et al. nor Subramaniam et al., whether taken alone or in any reasonable combination, discloses or suggests the combination of features recited in claim 6. For example, Aldous et al. and Subramaniam et al. do not disclose or suggest a plurality of network servers, in communication with the IP network medium and located in close physical proximity to the PSTN-to-IP gateway, for automated interaction with a set of users participating in the plurality of calls.

The Examiner alleged that Aldous et al. discloses a PSTN-to-IP gateway (VoIP telephony gateway server 3) and a network server (web server 7) in communication with a network medium (VoIP network 4) for automated interaction with a user (telephone device 1) participating in the call (final Office Action, paragraph 9). With the Examiner's interpretation in mind, Applicants submit that Aldous et al. does not disclose or suggest that web server 7 is located in close physical proximity to VoIP telephony gateway 3. Subramaniam et al. also does not disclose or suggest a plurality of network servers, in communication with the IP network medium and located in close physical proximity to the PSTN-to-IP gateway, for automated interaction with a set of users participating in the plurality of calls, as required by claim 6.

For at least these reasons, Applicants submit that claim 6 is patentable over Aldous et al. and Subramaniam et al., whether taken alone or in any reasonable combination.

Independent claim 22 is directed to a voice response system for servicing calls received over a public switched telephone network (PSTN). The voice response system comprises a PSTN-to-IP gateway for connecting to the public switched telephone

network and an IP network medium; a network server in communication with the IP network medium for automated interaction with users participating in the calls; and a proxy server in communication with the IP network medium and the network server to allow or disallow the calls based on a telephone number associated with the calls.

Neither Aldous et al. nor Subramaniam et al., whether taken alone or in any reasonable combination, discloses or suggests the combination of features recited in claim 22. For example, Aldous et al. and Subramaniam et al. do not disclose or suggest a proxy server in communication with the IP network medium and the network server to allow or disallow the calls based on a telephone number associated with the calls.

The Examiner alleged that VoIP gatekeeper 14 corresponds to a proxy server (final Office Action, paragraph 9). With the Examiner's interpretation in mind, Applicants submit that Aldous et al. does not disclose or suggest that VoIP gatekeeper 14 allows or disallows calls based on a telephone number associated with the calls, as would be required by claim 22. Subramaniam et al. also does not disclose or suggest a proxy server in communication with the IP network medium and the network server to allow or disallow the calls based on a telephone number associated with the calls, as required by claim 22.

For at least these reasons, Applicants submit that claim 22 is patentable over Aldous et al. and Subramaniam et al., whether taken alone or in any reasonable combination. Claims 27 and 28 depend from claim 22 and are, therefore, patentable over Aldous et al. and Subramaniam et al. for at least the reasons given with regard to claim 22.

Independent claim 29 recites features similar to, but possibly different in scope from, features recited in claim 6. Claim 29 is, therefore, patentable over Aldous et al. and Subramaniam et al., whether taken alone or in any reasonable combination, for at least reasons similar to reasons given with regard to claim 6.

Claims 30, 31, 34, 35, and 68 depend from claim 29 and are, therefore, patentable over Aldous et al. and Subramaniam et al. for at least the reasons given with regard to claim 29.

Independent claim 67 is directed to a system for processing a call received over a public switched telephone network (PSTN). The system comprises a PSTN-to-IP gateway connected to receive the call from the PSTN; a network server in communication with the gateway for interacting with a user participating in the call; and an IP communication path of approximately 100 meters or less in length for connecting the gateway to the network server.

Neither Aldous et al. nor Subramaniam et al., whether taken alone or in any reasonable combination, discloses or suggests the combination of features recited in claim 67. For example, Aldous et al. and Subramaniam et al. do not disclose or suggest an IP communication path of approximately 100 meters or less in length for connecting the gateway to the network server.

The Examiner alleged that Aldous et al. discloses a PSTN-to-IP gateway (VoIP telephony gateway server 3) and a network server (web server 7) in communication with a network medium (VoIP network 4) for automated interaction with a user (telephone device 1) participating in the call (final Office Action, paragraph 9). With the Examiner's

interpretation in mind, Applicants submit that Aldous et al. does not disclose or suggest an IP communication path of approximately 100 meters or less in length for connecting VoIP telephony gateway 3 to web server 7, as would be required by claim 67.

Subramaniam et al. also does not disclose or suggest an IP communication path of approximately 100 meters or less in length for connecting the gateway to the network server, as required by claim 67.

For at least these reasons, Applicants submit that claim 67 is patentable over Aldous et al. and Subramaniam et al., whether taken alone or in any reasonable combination.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of pending claims 1, 6, 16-19, 22, 27-31, 34, 35, 67, and 68 based on Aldous et al. and Subramaniam et al.

*REJECTION UNDER 35 U.S.C. § 103 BASED ON
ALDOUS ET AL., SUBRAMANIAM ET AL., AND BROWN ET AL.*

In paragraph 10 of the Office Action, the Examiner rejected pending claims 2-5, 7, and 8 under 35 U.S.C. § 103(a) as allegedly unpatentable over Aldous et al. in view of Subramaniam et al. and Brown et al. Applicants respectfully traverse the rejection.

Claims 2-5 depend from claim 1, and claims 7 and 8 depend from claim 6. Without acquiescing in the Examiner's rejection with regard to claims 2-5, 7, and 8, Applicants submit that the disclosure of Brown et al. does not cure the deficiencies in the disclosures of Aldous et al. and Subramaniam et al. identified above with regard to claims 1 and 6. Claims 2-5, 7, and 8 are, therefore, patentable over Aldous et al., Subramaniam

et al., and Brown et al., whether taken alone or in any reasonable combination, for at least the reasons given with regard to claims 1 and 6.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of pending claims 2-5, 7, and 8 based on Aldous et al., Subramaniam et al., and Brown et al.

REQUIREMENT FOR FEATURES TO BE SHOWN IN THE DRAWINGS

In paragraph 3 of the final Office Action, the Examiner indicated that any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawings. The Examiner then required that the newly added features be added to the drawings or canceled from the claims (final Office Action, paragraph 3). Applicants respectfully submit that the structural elements of the claims are shown in Fig. 3.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the requirement for features to be added to the drawings.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request the reconsideration and allowance of the pending claims.

If the Examiner does not agree that all pending claims are now in condition for allowance, the Examiner is urged to contact the undersigned to discuss the claims in order to expedite prosecution of this application.

As Applicants' remarks with respect to the Examiner's rejections overcome the rejections, Applicants' silence as to certain assertions by the Examiner in the Office

Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to dispute these assertions/requirements in the future.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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